

REMARKS/ARGUMENTS

Claims 1-29 are pending in the present application.

This Amendment is in response to the Office Action mailed November 18, 2004. In the Office Action, claims 1-29 were rejected under 35 U.S.C. §103(a). Applicants have cancelled claim 18 without prejudice, amended claims 1, 9, 11-14, 16-17 and 24-25, and added claims 30-34. Applicants submit that the newly added claims do not introduce substantive new matter. Reconsideration of the pending claims in light of the amendments and remarks made herein is respectfully requested.

Specification/Abstract Guidelines

Applicants appreciate the Examiner's reminder of the guidelines for the specification and the Abstract. Applicants have amended the Abstract and believe that the Abstract is in proper condition for printing.

Rejection Under 35 U.S.C. § 103

A. REJECTION OF CLAIMS 1, 3, 4, 6, 8 AND 12-15

In the Office Action, claims 1, 3, 4, 6, 8 and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tiedemann (U.S. Patent No. 6,216,004) in view of Epstein (U.S. Patent No. 6,601,172). Applicants respectfully traverse the rejection in its entirety because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* §2143. Applicants respectfully contend that, at a minimum, the combined teachings of the cited references fail to teach or suggest all of the claimed limitations.

With respect to independent claim 1, Applicants respectfully submit that neither Tiedemann nor Epstein, alone or in combination, disclose or suggest generating a key hash result *partially based on a global identifier of a source and an estimated current time at the source*. Emphasis added. The Office Action alleged that column 18, line 53 through column 19, line 40 of Tiedemann provides such disclosure. Applicants respectfully disagree.

Tiedemann describes Forward Quick Paging Channel (F-QPCH) where each mobile unit is assigned a time slot where the base station transmits a signal during the time slot when needed to contact the mobile unit. See column 16, lines 59-63 of Tiedemann. Hashing is conducted to one or two bit positions per slot, but the hash operation appears is based on the identification of the mobile unit (MSID) and the system time in frames (t), not the global identifier of a *source* and an *estimated current time* at the *source*. Emphasis added.

Moreover, Epstein describes comparison where digital data is computed and computationally compared. In contrast, the comparison operation set forth in claim 1 is not a computation comparison, but rather a sensory comparison (visual, audible or touch for tactile comparison) as now clarified through amendment.

Additionally, with respect to independent claim 13, Applicants respectfully submit that neither Tiedemann nor Epstein, alone or in combination, disclose or suggest (i) a first software module to “periodically generate a key hash result based on at least a *global identifier of a source* and an *estimated current time at the source*, (ii) a second software module to produce *successive images varied after each selected time interval for display on a display screen of the computing unit*, a first time-varying image of the successive images being based on a first key hash result, or (iii) a third software module to present the *successive images for sensory comparison with a succession of time-varying images at the source*. Emphasis added.

More specifically, Applicants disagree that column 18, line 53 through column 19, line 40 of Tiedemann provides any disclosure for generation of a key hash result based on a global identifier of the source and the estimated current time at the source. The “HASH” produced during F-QPCH is based on the identification of the mobile unit (MSID) and the system time in frames (t), not the global identifier of a source and an estimated current time at the source as

claimed. With respect to items (ii) & (iii), these limitations have been clarified and reconsideration by the Examiner is requested.

In light of the foregoing, independent claims 1 and 13 are in condition for allowance and withdrawal of the §103(a) rejection of claims 1, 3, 4, 6, 8 and 12-15 is warranted. Claims 2-12 and 14-17 ultimately depend from amended independent claims 1 and 13, and thus include all the limitations of these amended claims as well as reciting the above-described further limitations of particular utility. Therefore, for at least the above-stated reasons with regard to amended claims 1 and 13, Applicant further submits that claims 2-12 and 14-17 are patentably distinguished over the prior art. Although Applicants respectfully disagree with the rejections associated with these claims, further discussion as to their patentability is moot. However, Applicants reserve the right to present such grounds for traverse as deemed necessary and if an appeal is warranted.

B. REJECTION OF CLAIMS 19-26

Claims 19-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tiedemann in view of Gehrmann (U.S. Publication No. 2001/0016909). Applicants incorporate by reference the arguments set forth above. In addition, Applicants respectfully agree with the statements made in the Office Action that Tiedemann does not teach the internal circuitry as claimed, but disagree with the Office Action that Gehrmann provides such teachings.

The Office Action states that paragraphs [0030-0031] of Gehrmann disclose the “internal circuitry contained within the casing and controlling information presented by the device, the internal circuitry to generate a key hash. *See Page 7 of the Office Action.* Applicants respectfully disagree because these paragraphs are directed to obfuscation of the public key by hashing the same to produce a bit string, which is encoded to a graphical string that can be read by an optical device for authentication. Neither Teidemann nor Gehrmann, alone or in combination, discloses or even suggest internal circuitry to generate a key hash result *based on a global identifier of a source and an estimated current time at the source. Emphasis added.*

In light of the foregoing, independent claim 19 is in condition for allowance and withdrawal of the §103(a) rejection of claims 19-26 is warranted. Claims 20-26 ultimately

depend from independent claim 19, and thus include all the limitations of claim 19 as well as reciting the above-described further limitations of particular utility. Therefore, for at least the above-stated reasons, Applicant further submits that claims 20-26 are patentably distinguished over the prior art. Although Applicants respectfully disagree with the rejection associated with these dependent claims, further discussion as to their patentability is moot. However, Applicants reserve the right to present such grounds for traverse during prosecution and thereafter.

C. REJECTION OF CLAIMS 19-26

Claims 2, 9, 11, 16, 18 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over Tiedemann in view of Epstein and further in view of Skelly (U.S. Patent No. 6,661,810). Applicants incorporate by reference the arguments set forth above. Neither Tiedemann, Epstein nor Skelly, alone or in combination, disclose or suggest a first computing unit to (i) transmit successive verification packets each including a static global identifier and a varying local time value realized at the first computing unit during formation of that verification packet, (ii) generate successive first time-varying items based on contents provided within their corresponding verification packet, and (iii) present the first time-varying items in successive fashion.

More specifically, in contrast to the statements made in the Office Action, the quick paging channel packets described on column 19-20 of Tiedemann does not teach or suggest successive verification packets, where each packet includes a *static global identifier* and a *varying local time value realized at the first computing unit during formation of that verification packet*. Emphasis added. Moreover, the Office Action alleges that column 19, lines 32-40 of Tiedemann describes present[ing] the first time-varying items in successive fashion. Instead, this section of Tiedemann describes the transmission of alerts that a paging message will be sent by the base station. Tiedemann offers no teaching of the first computing unit presenting *the first time-varying items in successive fashion*. Emphasis added. The same general arguments apply to similar limitations of the second computing unit set forth in claim 27.

In light of the foregoing, independent claim 27 is in condition for allowance and withdrawal of the §103(a) as applied to claim 27 is respectfully requested.

With respect to claim 9, Applicants incorporate by reference the arguments set forth above. Neither Tiedemann, Epstein nor Skelly, alone or in combination, disclose or suggest performing a cryptographic hash operation on a combination of at least the global identifier and the estimated current time to generate the key hash result. Previously, the Office Action alleged that the limitation of presenting the first time-varying items in successive fashion is disclosed at column 19, lines 32-40 of Tiedemann. *See Page 10 of the Office Action*. Also, it is alleged that this section also discloses performing a cryptographic hash operation on a combination of at least the global identifier and the estimated current time. *See Page 12 of the Office Action*. For both matters, this section of Tiedemann describes the transmission of alerts that a paging message will be sent by the base station. Tiedemann fails to offer such teachings as alleged in the Office Action. Hence, withdrawal of the §103(a) rejection as applied to claim 9 is respectfully requested.

With respect to claims 2, 11, 16, 18 and 28-29, Applicants respectfully traverse the §103(a) rejection as noted in the Office Action. However, these claims are dependent from independent claim 1, 13 and 27, and thus include all the limitations of these claims as well as further limitations of particular utility. Thus, these claims are allowed simply based on their dependency, but Applicants further submit that these are allowable based on the additional limitations set forth herein. Although Applicants respectfully disagree with the rejection associated with these dependent claims, further discussion as to their patentability is moot. However, Applicants reserve the right to present such grounds for traverse during prosecution and thereafter.

D. REJECTION OF CLAIMS 5, 7, 10, and 17

Claims 5, 7, 10, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tiedemann in view of Epstein and Skelly and further in view of Alexander (U.S. Patent No. 6,661,810). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a *prima facie* case of obviousness and the combination constitutes impermissible hindsight reconstruction. *See In re Kotzab*, 217 F.3d 1365, 55 U.S.P.Q.2d 1313

(*Fed. Cir. 2000*). Applicants respectfully request the Examiner to reconsider the allowability of these claims.

In summary, Applicants believe that independent claims 1, 13, 19, and 27 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. The Examiner respectfully requests the Examiner to contact the undersigned attorney to schedule an Examiner's interview in order to discuss the patentability of the pending claims and to facilitate prosecution of the subject application. The undersigned attorney can be reached at the phone number listed below.

Respectfully submitted,

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Dated: February 17, 2005

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Susan McFarlane

February 17, 2005

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